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OFFICE OF PETITIONS

In re Application of :
Wang et al. :
Application No. 10/783,362 : **DECISION ON PETITION**
Filed: February 20, 2004 :
Attorney Docket Number: 029714.00017 :

This is a decision on the petition, filed September 15, 2011 which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice of Panel Decision from Pre-Appeal Brief Review ("Notice") of March 30, 2011, which set a one (1) month shortened statutory period for reply.

Petitioner contends this application was prematurely abandoned because the Notice of Panel Decision from Pre-Appeal Brief Review reset the reply period of one month from the mailing of the Panel decision. Petitioner contends the appeal brief was not due until September 30, 2011.

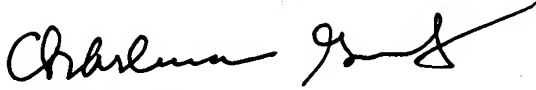
The Notice provided states the time period for filing an appeal brief will be the later of the two month period set in 37 CFR 41.37(a) or one month from mailing of the decision on the Pre-Appeal Brief Request For Review, whichever is greater. Further, the time period for filing of the appeal brief is extendable under 37 CFR 1.136 based upon the mail date of the decision on the request or the receipt date of the notice of appeal, as applicable. As such petitioner was able to purchase an additional five months. Thus the reply period does not expire until September 30, 2011.

Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of Panel Decision from Pre-Appeal Brief Review of March 30, 2011 is hereby withdrawn and the application restored to pending status.

A reply to the Notice of Panel Decision from Pre-Appeal Brief review is required by September 30, 2011 with the appropriate request for extension of time and fee.

This application is being referred to art unit 1615 for appropriate action in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema Grant", with a long, sweeping horizontal line extending to the right.

Charlema Grant
Petitions Attorney
Office of Petitions